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10/766,724	01/27/2004	Masashi Takubo	2271/71526	3447								
7590 Ivan S. Kavrukov, Esq. Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036		12/11/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">WASHINGTON, JAMARES</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2625</td><td></td></tr></table>		EXAMINER		WASHINGTON, JAMARES		ART UNIT	PAPER NUMBER	2625	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/766,724

Applicant(s)

TAKUBO, MASASHI

Examiner

Jamares Washington

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14, 15, 17, 18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 15, 17, 18, and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This action is responsive to applicant's amendment and remarks received on October 10, 2007. Claims 1-12, 14, 15, 17, 18, and 20 are currently pending. Claims 1-10 have been amended to clarify the claimed subject matter. Remarks and amendments are addressed hereinbelow.

### ***Claim Rejections - 35 USC § 112***

Sufficient support for the claimed subject matter of claim 20 given by applicant is noted and entered. The examiner withdraws the "new matter" rejection.

### ***Claim Rejections - 35 USC § 101***

Regarding claims 11, 14, and 17, examiner accepts "machine readable medium..." as statutory language and therefore withdraws previous rejection under 35 U.S.C. 101.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4, 7, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinichiroh Ohhashi et al (US 7023573 B2) in view of Yuval Ofek et al (US 7107395 B1), and further in view of John Thorne et al (US 5958005). (Examiner maintains the same grounds of rejection as advanced from the Office Action dated July 13, 2007.)

Regarding claim 1, Ohhashi discloses a facsimile apparatus (Fig. 8 numeral 1 "Image forming device". "... provided with a facsimile mode" at column 5 line 67) coupled to a telephone line network (Fig. 8 numeral 4 "public line") and a local area network (Fig. 8 numeral 6 "LAN"), comprising:

a facsimile communications mechanism configured to perform a facsimile communications operation ("...the digital image forming device 1 according to the present embodiment is provided with a facsimile polling transmission mode, that is, the mode to receive via the public line 4 a transmission request (polling transmission request) from the facsimile (an external device, an external image receiving device) 2A so as to transmit image data via the public line 4 to the facsimile 2A in response to the transmission request" at column 11 line 29);

a first storing mechanism configured to store image data and to be inaccessible through the local area network (Fig. 7 numeral 23 "Fourth memory". Inaccessibility is shown from the

connection of the fourth memory to the control section 16 and the absence of a connection to the outside world.);

a second storing mechanism configured to store image data and to be accessible through the local area network (Fig. 7 numeral 20 "First memory". Accessibility shown through the connection of the first memory to modules 15 "Email sending/receiving section and module 14 "Fax sending/receiving section".);

a determining mechanism ("... specific document judging means" at column 3 line 63) configured to determine whether the received document image data is confidential ("... for judging whether or not the document scanned by the image scanning section is a specific document" at column 3 line 64); and

Ohhashi fails to disclose a backup arranging mechanism configured to store received document image data into the first storage mechanism and a copy of the received document data in the second storage mechanism.

However, Ofek et al teaches, in the same field of endeavor of providing dual memory backup storage for computer related file archiving, a backup arranging mechanism configured to store received document data into the first storage mechanism (Fig. 8 numeral 80a Primary storage nodes. "In the embodiment of FIG. 8, each host computer is coupled to a subset of primary storage nodes 82, for use as a main memory for that host computer. For example, host computer 80a is coupled directly to primary storage node 82a" at column 14 line 18) and a copy of the received document data in the second storage mechanism (Fig. 8 numeral 87 "The enterprise storage network 89 may also include a secondary storage node 87. The secondary storage node may be used for backup functions" at column 14 line 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the backup method as disclosed by Ofek of storing received document data into a primary storage and backing the data up to secondary storage into the apparatus and memory as disclosed by Ohhashi because corruption, hard drive failure, and data may mistakenly get erased on the primary drive.

Ohhashi fails to disclose a controlling mechanism configured to cause the backup arranging mechanism to cancel storing the copy of the received document image data into the second storing mechanism when the received document data is determined as confidential by the determining mechanism.

Thorne, in the same field of endeavor of managing security of electronic documents ("This invention relates in general to methods and systems for managing the security of electronic documents stored in an interactive information handling system, and more particularly relates to the controlling of the confidentiality of electronic mail communications over networks" at column 1 line 4) teaches a controlling mechanism (computer software implemented) configured to cause the backup arranging mechanism to cancel storing the copy of the received document data into the second storing mechanism when the received document data is determined as confidential by the determining mechanism ("At 542 the system ascertains whether archiving has been enabled. If the response is negative archiving is disabled and the message archive icon and associated menu are deactivated. Archiving is inhibited" at column 10 line 21). The above apparatus can be configured to disable archiving or copying (shown in Fig. 3) when the confidential message flag is set.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a means, as taught by Thorne, for canceling or disabling archiving of confidential messages in the apparatus as disclosed by Ohhashi to "provide a method for managing the retention of preselected data in a manner to effectuate the desired degree of security for designated information" (column 4 line 1, Thorne).

Regarding claim 4, the Ohhashi-Ofek-Thorne combination discloses a facsimile apparatus coupled to a telephone line network and a local area network as rejected in claim 1, comprising:

communicating means for performing a facsimile communications operation ("...the digital image forming device 1 according to the present embodiment is provided with a facsimile polling transmission mode, that is, the mode to receive via the public line 4 a transmission request (polling transmission request) from the facsimile (an external device, an external image receiving device) 2A so as to transmit image data via the public line 4 to the facsimile 2A in response to the transmission request" at column 11 line 29);

first storing means inaccessible through the local area network for storing image data (Fig. 7 numeral 23 "Fourth memory". Inaccessibility is shown from the connection of the fourth memory to the control section 16 and the absence of a connection to the outside world.);

second storing means accessible through the local area network for storing image data (Fig. 7 numeral 20 "First memory". Accessibility shown through the connection of the first memory to modules 15 "Email sending/receiving section and module 14 "Fax sending/receiving section".);

backup arranging means for storing received document image data into the first storing means and a copy of the received document image data into the second storing means as rejected in claim 1 above;

determining means for determining whether the received document image data is confidential ("... specific document judging means" at column 3 line 63) configured to determine whether the received document data is confidential ("... for judging whether or not the document scanned by the image scanning section is a specific document" at column 3 line 64); and

controlling means for causing the backup arranging means to cancel storing the copy of the received document image data into the second storing means when the received document image data is determined as confidential by the determining means as rejected in claim 1 above.

Regarding claim 7, the Ohhashi-Ofek-Thorne combination discloses the method as performed by the apparatus rejected in claim 1 above.

Regarding claim 11, the Ohhashi-Ofek-Thorne combination discloses a communications method for a facsimile apparatus coupled to a telephone line network and a local area network as rejected in claim 7 above.

The Ohhashi-Ofek-Thorne combination fails to teach a computer readable data recording medium storing a program which causes a computer to execute operations according to the communications method for a facsimile apparatus stated and rejected above in claim 7. However, it is clear from the disclosure of the reference that the method is carried out by an image processing apparatus and is thus computer (processor-software) implemented. It is well



known in the image processing arts that a computer implemented method performed by an apparatus must contain a "program" residing on a "computer readable "data recording" medium in order for the apparatus to be operational. (Official Notice)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a computer readable data recording medium which stores the program for performing the above method as rejected in claim 7, in the invention disclosed by the Ohhashi-Ofek-Thorne combination to make the apparatus operational in carrying out the above methods.

Regarding claim 12, the Ohhashi-Ofek-Thorne combination discloses a computer system (computer implemented), comprising:

a processor (computer implemented processes disclosed); and  
a program storage device (as rejected in claim 11) readable by the computer system, tangibly embodying a program of instructions executable by the processor to perform the method rejected in claim 7 above.

2. Claims 2, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinichiroh Ohhashi et al (US 7023573 B2) in combination with Yuval Ofek et al (US 7107395 B1).

Regarding claim 2, Ohhashi discloses a facsimile apparatus (Fig. 8 numeral 1 "Image forming device". "...provided with a facsimile mode" at column 5 line 67) coupled to a telephone line network (Fig. 8 numeral 4 "public line") and a local area network (Fig. 8 numeral 6 "LAN"),

comprising: a facsimile communications mechanism configured to perform a facsimile communications operation ("...,the digital image forming device 1 according to the present embodiment is provided with a facsimile polling transmission mode, that is, the mode to receive via the public line 4 a transmission request (polling transmission request) from the facsimile (an external device, an external image receiving device) 2A so as to transmit image data via the public line 4 to the facsimile 2A in response to the transmission request" at column 11 line 29);

a first storing mechanism configured to store image data and to be inaccessible through the local area network (Fig. 7 numeral 23 "Fourth memory". Inaccessibility shown from the connection of the fourth memory to the control section 16 and the absence of a connection to the outside world.);

a second storing mechanism configured to store image data and to be accessible through the local area network (Fig. 7 numeral 20 "First memory". Accessibility shown through the connection of the first memory to modules 15 "Email sending/receiving section and module 14 "Fax sending/receiving section".);

a determining mechanism ("... a specific image judging section" at column 3 line 63) configured to determine whether the received document image data stored in the second storage mechanism (Fig. 7 numeral 20 "First memory") is confidential upon a receipt of a data transmission request for transmitting the received document image data stored in the second storage mechanism from an external terminal through the local area network ("...(ii)judging whether or not the image data is specific image data; (iii) receiving a request for transmission of the image data via a communications network" column 4 line 35); and

a control mechanism (Fig. 7 numeral 16 "control section") configured to refuse the data transmission request from the external terminal through the local area network when the received document image data is determined as confidential by the determining mechanism ("... (iv) transmitting the image data in response to the request for transmission of the image data, wherein, in the step (iv), the transmission of the image data is controlled according to a result of judgment in the step (ii)" at column 4 line 38. "...when it is judged that the inputted image data is specific image data, the transmission of the image data is controlled (preferably, prohibited, or restricted" at column 4 line 43).

Ohhashi fails to disclose a backup arranging mechanism configured to store received document image data into the first storage mechanism and a copy of the received document image data in the second storage mechanism.

However, Ofek et al teaches, in the same field of endeavor of providing dual memory backup storage for computer related file archiving, a backup arranging mechanism configured to store received document data into the first storage mechanism (Fig. 8 numeral 80a Primary storage nodes. "In the embodiment of FIG. 8, each host computer is coupled to a subset of primary storage nodes 82, for use as a main memory for that host computer. For example, host computer 80a is coupled directly to primary storage node 82a" at column 14 line 18) and a copy of the received document data in the second storage mechanism (Fig. 8 numeral 87 "The enterprise storage network 89 may also include a secondary storage node 87. The secondary storage node may be used for backup functions" at column 14 line 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the backup method as disclosed by Ofek of storing received document

data into a primary storage and backing the data up to secondary storage into the apparatus and memory as disclosed by Ohhashi because corruption, hard drive failure, and data may mistakenly get erased on the primary drive.

Regarding claim 5, Ohhashi-Ofek discloses a facsimile apparatus (Fig. 8 numeral 1 "Image forming device". "...provided with an facsimile mode" at column 5 line 67) coupled to a telephone line network (Fig. 8 numeral 4 "public line") and a local area network (Fig. 8 numeral 6 "LAN"), comprising:

communication means for performing a facsimile communications operation ("...the digital image forming device 1 according to the present embodiment is provided with a facsimile polling transmission mode, that is, the mode to receive via the public line 4 a transmission request (polling transmission request) from the facsimile (an external device, an external image receiving device) 2A so as to transmit image data via the public line 4 to the facsimile 2A in response to the transmission request" at column 11 line 29);

first storing means inaccessible through the local area network for storing image data (as rejected in claim 2 above);

second storing means accessible through the local area network for storing image data (Fig. 7 numeral 20 "First memory");

backup arranging means for storing received document image data into the first storing means and a copy of the received document image data into the second storing means (as rejected in claim 2 above);

determining means ("... a specific image judging section" at column 3 line 63) for determining whether the received document image data stored in the second storing means (Fig. 7 numeral 20 "First memory") is confidential upon a receipt of a data transmission request for transmitting the received document image data stored in the second storing means from an external terminal through the local area network ("... (ii) judging whether or not the image data is specific image data; (iii) receiving a request for transmission of the image data via a communications network" column 4 line 35); and

controlling means (Fig. 7 numeral 16 "control section") for refusing the data transmission request from the external terminal through the local area network when the received document image data is determined as confidential by the determining means ("... (iv) transmitting the image data in response to the request for transmission of the image data, wherein, in the step (iv), the transmission of the image data is controlled according to a result of judgment in the step (ii)" at column 4 line 38. "...when it is judged that the inputted image data is specific image data, the transmission of the image data is controlled (preferably, prohibited, or restricted" at column 4 line 43).

Regarding claim 8, Ohhashi-Ofek discloses the method as performed by the apparatus as rejected in claim 2 above.

3. Claims 3, 6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi-Ofek in combination with Shell S. Simpson et al (US 20040036907 AI).

Regarding claim 3, Ohhashi-Ofek teaches a facsimile apparatus (Fig. 8 numeral 2A) coupled to a telephone line network (Fig. 8 numeral 4 "public line") and a local area network (Fig. 8 numeral 6 "LAN"), comprising:

a facsimile communications mechanism configured to perform a facsimile communications operation ("...the digital image forming device ! according to the present embodiment is provided with a facsimile polling transmission mode, that is, the mode to receive via the public line 4 a transmission request (polling transmission request) from the facsimile (an external device, an external image receiving device) 2A so as to transmit image data via the public line 4 to the facsimile 2A in response to the transmission request" at column 11 line 29);

a first storing mechanism configured to store image data and to be inaccessible through the local area network (as rejected in claim 2 above);

a second storing mechanism configured to store image data and to be accessible through the local area network (as rejected in claim 2 above);

a backup arranging mechanism configured to store received document image data into the first storing mechanism and a copy of the received document image data in the second storing mechanism (as rejected in claim 2 above);

a determining mechanism ("...a specific image judging section" at column 3 line 63) configured to determine whether the received document image data stored in the second storage mechanism (Fig. 7 numeral 20 "First memory") is confidential upon a receipt of a data transmission request for transmitting the received document image data stored in the second storage mechanism from a web browser through the local area network ("... (ii) judging whether or not the image data is specific image data; (iii) receiving a request for transmission of the

image data via a communications network" column 4 line 35. A communications network encompasses the internet and therefore encompasses internet web browsers.);

a controlling mechanism (Fig. 7 numeral 16 "control section") configured to refuse the data transmission request from the web browser through the local area network when the received document image data is determined as confidential by the determining mechanism ("...(iv) transmitting the image data in response to the request for transmission of the image data, wherein, in the step (iv), the transmission of the image data is controlled according to a result of judgment in the step (ii)" at column 4 line 38. "...when it is judged that the inputted image data is specific image data, the transmission of the image data is controlled (preferably, prohibited, or restricted" at column 4 line 43).

Ohhashi-Ofek does not teach a web server mechanism configured to allow a web browser to show received document data.

However, Simpson et al teaches, in the same field of endeavor of controlling inbound facsimile transmissions ("The present invention relates to a system and methods for storing facsimile messages for later use" at paragraph [1], Simpson), a web server ("This is particularly powerful when using web applications (applications running on a server that exposes their user interface through web pages)" at paragraph [20], Simpson) configured to allow a web browser to show received document data ("In other instances, facsimile messages are sent via e-mail or are deposited in a web-based repository associated with a domain name" at paragraph [24]. "Facsimile messages stored by web-based repositories are usually stored as image files for facilitating viewing with a web-browser" at paragraph [24]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Simpson where the images are deposited into a web server to allow viewing of documents from a web browser with the apparatus and method disclosed by Ohhashi-Ofek of secure facsimile document reception and transmission because the web browser has emerged as a universal messaging client and would appeal to a greater user base.

Regarding claim 6, Ohhashi-Ofek-Simpson discloses a facsimile apparatus (Fig. 8 numeral 1 "Image forming device". "... provided with an facsimile mode" at column 5 line 67) coupled to a telephone line network (Fig. 8 numeral 4 "public line") and a local area network (Fig. 8 numeral 6 "LAN"), comprising:

communicating means for performing a facsimile communications operation ("...the digital image forming device 1 according to the present embodiment is provided with a facsimile polling transmission mode, that is, the mode to receive via the public line 4 a transmission request (polling transmission request) from the facsimile (an external device, an external image receiving device) 2A so as to transmit image data via the public line 4 to the facsimile 2A in response to the transmission request" at column 11 line 29);

first storing means inaccessible through the local area network for storing image data (as rejected in claim 2 above);

second storing means accessible through the local area network for storing image data (Fig. 7 numeral 20 "First memory");



backup arranging means for storing received document image data into the first storing means and a copy of the received document image data into the second storing means (as rejected in claim 2 above);

determining means ("...a specific image judging section" at column 3 line 63) for determining whether the received document image data stored in the second storing means (Fig. 7 numeral 20 "First memory") is confidential upon a receipt of a data transmission request for transmitting the received document image data stored in the second storing means from a web browser through the local area network ("... (ii) judging whether or not the image data is specific image data; (iii) receiving a request for transmission of the image data via a communications network" column 4 line 35. A communications network encompasses the internet and therefore encompasses internet web browsers.); and

controlling means (Fig. 7 numeral 16 "control section") for refusing the data transmission request from the web browser through the local area network when the received document image data is determined as confidential by the determining means ("... (iv) transmitting the image data in response to the request for transmission of the image data, wherein, in the step (iv), the transmission of the image data is controlled according to a result of judgment in the step (ii)" at column 4 line 38. "...when it is judged that the inputted image data is specific image data, the transmission of the image data is controlled (preferably, prohibited, or restricted" at column 4 line 43.)

Regarding claim 9, Ohhashi-Ofek discloses the method as performed by the apparatus as rejected in claim 3 above.

4. Claims 10, 14, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi-Ofek in combination with well-known principles in the art of image processing.

Regarding claim 10, Ohhashi-Ofek discloses a communications method for a facsimile apparatus coupled to a telephone line network and a local area network as rejected in claim 9 above.

The Ohhashi-Ofek combination fails to teach a computer readable data recording medium storing a program which causes a computer to execute operations according to the communications method for a facsimile apparatus stated and rejected above in claim 9.

However, it is clear from the disclosure of the reference that the method is carried out by an image processing apparatus and is thus computer (processor-software) implemented. It is well known in the image processing arts that a computer implemented method performed by an apparatus must contain a "program" residing on a "computer readable "data recording" medium in order for the apparatus to be operational. (Official Notice)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a computer readable data recording medium which stores the program for performing the above method as rejected in claim 9, in the invention disclosed by the Ohhashi-Ofek combination to make the apparatus operational in carrying out the above methods.

Regarding claims 14 and 17, the Ohhashi-Ofek combination discloses the program

storage device (computer-readable data recording medium) as rejected in claim 10, readable by a machine (computer implemented method), tangibly embodying a program (program residing...) of instructions executable by the machine to perform the method claimed and rejected in claims 8 and 9 respectively.

Regarding claim 15, the Ohhashi-Ofek combination discloses a computer system (Fig. 1 numeral 1) comprising:

a processor (Processor which carries out the processes described throughout the reference. ("...the following will explain operational processes in the digital image forming device according to the present embodiment in the case where a request for image data transmission is sent from an external device, such as the computer 3B or the like, via the Internet 5 and the LAN 6" at column 24 line 19, Ohhashi); and

the program storage device as rejected in claim 14.

Regarding claim 18, the Ohhashi-Ofek combination discloses a computer system (Fig. 1 numeral 1) comprising:

a processor (Processor which carries out the processes described throughout the reference. (Ohhashi); and

the program storage device as rejected in claim 17 above.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi-Ofek-Thorne as rejected in claim 1 above in view of Stephen Larry McBride (US 6757698 B2)

Regarding claim 20, Ohhashi-Ofek-Thorne discloses the facsimile apparatus as rejected in claim 1.

Ohhashi-Ofek-Thorne fails to teach the backup mechanism checks contents of the first and second storing mechanism, and if one of the first and second storing mechanisms includes non-confidential contents that are not in the other of the first and second storing mechanism, said backup mechanism duplicates the non-confidential contents of the one of the first and second storing mechanisms to the other of the first and second storing mechanisms.

McBride teaches, in the same field of endeavor of electronic data backup, teaches a backup mechanism checks contents of the first and second storing mechanism ("... a mirroring agent application running at each node periodically checks predetermined files and/or data to determine whether such files/data have changed. Upon the agent at the node finding that a file/data has changed, the agent commences to check with agents at other pre-determined nodes to see whether the file/data needs to be updated at the other nodes" at column 14 line 65), and if one of the first and second storing mechanisms includes non-confidential contents (which is already determined by the teachings of Thorne in claim 1 rejection above; only non-confidential data is configured to be copied or archived) that are not in the other of the first and second storing mechanism, said backup mechanism duplicates the non-confidential contents of the one of the first and second storing mechanisms to the other of the first and second storing mechanisms ("... communicate with the B agent to determine if the B node (305) contains a version of the data different from that stored on the A node (306); if so, determine along with the B agent which version is more current; and assuming the A version is more current, send the A

version to B, upon which B appropriately updates the B version of the file/data in storage (312) with the data received from node A (306)" at column 15 line 16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method as taught by McBride of checking the contents of a storage device with the contents of a backup device to synchronize the memory devices with the backup mechanism as taught by Thorne of the Ohhashi-Ofek-Thorne combination in which non-confidential data is backed up to a remote publicly accessible storage unit because it would keep the data contained in both storage locations synchronized and updated.

### *Response to Arguments*

Applicant's remarks: Regarding the remark that "the memory 23 in Fig. 7 of Ohhashi does not store image data."

Examiner's response: The fourth memory (second storing means) stores, in each memory box, information of whether or not an activity of registering a specific document ("specific document register activity", hereinafter) has been executed by using each memory box. Each memory box thus stores information of the "presence or absence of the specific document register activity (Col. 6 lines 48-53, Ohhashi). The fourth memory stores data pertaining to whether or not the images of the specific documents have been stored which is data pertaining to the images in its most general sense. The broadest interpretation of the term "image data" includes data pertaining

to an image, which the fourth memory indeed stores. Therefore, the fourth memory stores "image data".

Applicant's remarks: Regarding the remarks that "Ohhashi does not disclose or suggest that the image transmission device includes a determining mechanism configured to determine whether the received document image data is confidential" and that "specific documents, such as paper money and valuable securities, are not confidential".

Examiner's response: Ohhashi discloses the image transmission device includes a determining mechanism (Col. 3 line 63 as rejected in claim 1 above) configured to determine whether the received document image data is confidential (Col. 3 line 64 as rejected in claim 1 above). Ohhashi clearly discloses specific documents including "those, copying of which is strictly prohibited...[such as] official documents...and...secret documents" (at Col. 15 lines 12-17, Ohhashi). Therefore, Ohhashi discloses a determining mechanism configured to determine whether the received document image data is confidential.

Applicant's remarks: Regarding the remarks that "the archiving function proposed in Thorne is not contingent on the message being not confidential" and that "Thorne does not disclose or suggest that if an archive command is specified by the user, a determination of whether the message is confidential is made before the message is archived".

Examiner's response: As set forth in the Office Action dated July 13, 2007 it would be within the ordinary skill of an artisan of image processing to configure the apparatus, which will archive according to commands received, to always disable archiving or copying when the confidential message flag is set. Therefore, archiving of confidential data is canceled (as taught by Thorne) when the document is determined to be a specific document (confidential message flag set) by the determining means as disclosed by Ohhashi.

Applicant's remark: Regarding the remark that "the system proposed by Simpson does not make a determination regarding whether the facsimile message/image includes confidential data or not" and that "the apparatus proposed by McBride does not make a determination regarding whether the data to be backed-up includes confidential data or not".

Examiner's response: Simpson is a modifying reference brought in to simply teach that the web server and web browser aspect of the claimed invention is well known in the art of image processing. McBride is a modifying reference brought in to simply teach the method of syncing two storage locations with one another. The determination of whether the data to be backed up includes confidential data is disclosed in Ohhashi as stated in the second argument above.

Applicant's remark: Regarding the remark that Ohhashi and Ofek fail to teach or suggest the subject matter as represented by claims 2, 5, and 8 because "Ohhashi does not determine whether the subject document is confidential, and does not have a backup mechanism, and further the memory 23 of Ohhashi is not for storing image data

Examiner's response: Ohhashi, as shown, teaches determining whether the subject document is confidential as previously stated. The backup mechanism, as described in the rejection of claim 2 in the Office Action dated July 13, 2007, is taught by Ofek et al. The memory 23 of Ohhashi, as explained previously, stores image data.

Applicant's remark: Regarding the remark that Ohhashi and Ofek fail to teach or suggest the subject matter as represented by claims 3, 6, 9, and 10.

Examiner's response: See rejections of claims 3, 6, 9, and 10.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamares Washington whose telephone number is (571) 270-1585. The examiner can normally be reached on Monday thru Friday: 7:30am-5:00pm.

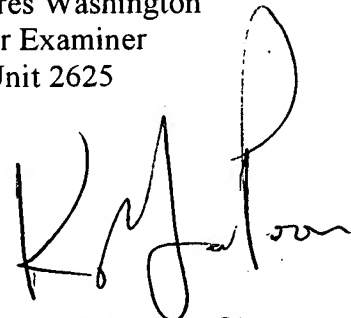
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jamares Washington  
Junior Examiner  
Art Unit 2625

  
JW

December 6, 2007

  
KING Y. POON  
SUPERVISORY PATENT EXAMINER